

RETURN DATE: JUNE 16, 2015 : **SUPERIOR COURT**

PETER VAJDA EXECUTOR : **J.D. OF MIDDLESEX**
OF THE ESTATE OF ANGELA H. VAJDA

VS. : **AT MIDDLETOWN**

KOFI O. BOATENG AND : **MAY 19, 2015**
OMNICARE ESC, LLC ESC, LLC

COMPLAINT

COUNT ONE: (Negligence as to defendant-driver)

1. On December 09, 2013 at 11:40 a.m., Angela H. Vajda died a resident of the State of Connecticut with her place of residence being in Middletown.

2. On May 13, 2014, Peter Vajda, Angela H. Vajda's son was appointed by the Middletown Probate Court Middletown District PD15, and is duly qualified and is now acting as such.

3. This claim is brought by the executor pursuant to Connecticut General Statutes section §52-555.

2. The defendant Kofi O. Boateng is a resident of the State of Connecticut with his place of residence being in the City of East Hartford.

3. The defendant Omnicare Esc, LLC is a foreign limited liability company, licensed to do business and actively conducting business within the State of Connecticut with its place of business being in Cheshire, Connecticut.

4. On or about November 14, 2013, at approximately 1:05 a.m., Angela H Vajda

(hereinafter the “plaintiff”) was the operator of a 2006 Hyundai Elantra, she had stopped her vehicle and was a pedestrian who had exited her vehicle to assess the damage to her vehicle after she had struck a deer on route 9 northbound, approximately one half mile north of Exit #9 in the town of Haddam, CT.

5. At the same time and place, the defendant Kofi O. Boateng (hereinafter the “defendant”) was the operator of a 2000 Subaru Forester traveling 60-65 mph northbound on Route 9 in the right lane of two directly behind the plaintiff.

6. At the same time and place, as the defendant approached the plaintiff’s vehicle, the defendant, suddenly and without warning, drove directly into the rear of the plaintiff’s vehicle (hereinafter the “collision”) which caused the plaintiff’s vehicle to be pushed into her while the Plaintiff was standing outside of it.

7. At the same time and place, the Defendant was operating his motor vehicle while working for employer, Omnicare Esc, LLC.

7. At all times mentioned herein, the defendant was the owner of the 2000 Subaru Forester that he was operating at the time of this collision.

8. The defendant caused this collision.

9. The defendant is responsible for his actions.

10. This collision, and the resulting injuries, losses and eventually death suffered by the plaintiff, was due to the negligence and carelessness of the defendant, Kofi O. Boateng, in that he:

- a. operated a motor vehicle at a rate of speed too fast for the traffic conditions then and there existing in violation of § 14-218a of the Connecticut General Statutes;

- b. failed to turn the motor vehicle to the left or to the right so as to avoid the collision, although in the exercise of due care, could and should have done so;
- c. failed to keep a motor vehicle under proper and reasonable control;
- d. failed to keep a proper and reasonable lookout for other vehicles and pedestrians;
- e. failed to keep and maintain a safe distance by following too closely in violation of §14-240 of the Connecticut General Statutes; and
- f. failed to apply the brakes in time to avoid the collision, although in the exercise of due care, could and should have done so.

11. As a result of this collision, the plaintiff suffered the injuries or exacerbations as set forth below, of which injuries or exacerbations, and the effects thereof, are permanent in nature:

- a. Subarachnoid Hemorrhage;
- b. Intraparenchymal hemorrhage;
- c. Subdural hematoma;
- d. Intraventricular hemorrhage in bilateral occipital fractures;
- e. Cerebellar infarct;
- f. Kidney failure;
- g. Encephalopathy;
- h. Deep vein thrombosis; and
- i. Death.

11. As a further result of the collision described above, the plaintiff has incurred substantial expense for hospital care and attention, surgery, x-rays, physicians, rehabilitation and

therapy.

12. As a further result of her injuries, the plaintiff endured substantial pain and suffering, loss of sleep and continued discomfort in the hospital for over three weeks, including over the thanksgiving holiday.

13. As a further result of her injuries, the plaintiff's leisure activities and leisure time pursuits were greatly impaired, interrupted and/or completely diminished.

13. As a further result of her injuries, the plaintiff endured funeral costs and expenses.

COUNT TWO: (Estate of Angela Vajda v. Omnicare Esc, LLC as to Vicarious Liability)

1-13. Paragraphs one through eight of Count One are hereby incorporated and made paragraphs one through thirteen of this Count Two as if fully set forth herein.

14. The defendant Kofi Boateng, drove his vehicle while working for Omnicare Esc, LLC, with the authorization of, and/or as the agent of, and/or as an employee acting within the scope of employment with the defendant, Omnicare Esc, LLC, pursuant to §52-183 of the Connecticut General Statutes.

15. The Defendant Omnicare Esc, LLC had the Defendant, Kofi Boateng working for a shift that had exceeded fifteen hours, and had him making deliveries throughout the state, including Greenwich, Stamford, Cheshire, North Haven and Old Saybrook.

16. The Defendant, Omnicare Esc, LLC, is liable for the negligence of the defendant, Kofi Boateng.

Wherefore, the Plaintiff claims:

1. Monetary relief;
2. Such other and further relief as the Court deems appropriate.

PLAINTIFF:

Peter Vajda Executor for the Estate of
Angela H. Vajda,



By: Clare E. Hannant, Esq.
Carter Mario Injury Lawyers
12 Montowese Ave
North Haven, Connecticut
Tel. No: 203-281-0202
Juris No: 106160

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than \$15,000.00, exclusive of interest and costs.

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